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MONTANA LEGISLATIVE HISTORY

Chapter 485 19 97

Bill H 369 S _____ Original bill & history X C

a exhibits from disk

H. Committee on LOCAL GOV'T			S. Committee on LOCAL GOV'T		
Hearing Date(s)	2/11	✓ C	Hearing Date(s)	3/25	✓ C
EXEC ACTION	2/18	✓ C	EXEC ACTION	3/27	✓ C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ___ Yes X No

Committee _____ Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendent information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

	TRANSMITTED TO SENATE		
2/05	FIRST READING		
2/05	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
3/04	HEARING		
3/07	COMMITTEE REPORT—BILL CONCURRED		
3/12	2ND READING CONCURRED	48	2
3/13	3RD READING CONCURRED	44	6
	RETURNED TO HOUSE		
3/15	SIGNED BY SPEAKER		
3/15	SIGNED BY PRESIDENT		
3/17	TRANSMITTED TO GOVERNOR		
3/19	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 100		
	EFFECTIVE DATE: 10/01/97		

HB 368 INTRODUCED BY BRAINARD, ET AL. *LC1046 DRAFTER: MACMASTER*

REPLACE THE ADMINISTRATIVE CODE COMMITTEE WITH NINE ADMINISTRATIVE RULES OVERSIGHT COMMITTEES, EACH WITH JURISDICTION OVER THE RULES OF CERTAIN AGENCIES AND OFFICES

1/27	INTRODUCED		
1/27	FIRST READING		
1/27	REFERRED TO STATE ADMINISTRATION		
1/27	FISCAL NOTE REQUESTED (EXTENSION GIVEN FOR COMPLETION)		
2/05	FISCAL NOTE RECEIVED		
2/07	HEARING		
2/08	FISCAL NOTE PRINTED		
2/15	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/17	2ND READING PASSED	61	39
2/18	3RD READING PASSED	70	30
	TRANSMITTED TO SENATE		
2/19	FIRST READING		
2/19	REFERRED TO STATE ADMINISTRATION		
3/10	HEARING		
3/10	TABLED IN COMMITTEE		
	DIED IN COMMITTEE		

HB 369 INTRODUCED BY BRAINARD, ET AL. *LC0667 DRAFTER: CAMPBELL*

REVISE LOCAL GOVERNMENT LAW

1/27	INTRODUCED		
1/27	FIRST READING		
1/27	REFERRED TO LOCAL GOVERNMENT		
1/29	FISCAL NOTE REQUESTED		
2/04	FISCAL NOTE RECEIVED		
2/08	FISCAL NOTE PRINTED		
2/11	HEARING		
2/19	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/21	2ND READING PASSED	86	14
2/26	3RD READING PASSED	85	14
	TRANSMITTED TO SENATE		
3/03	FIRST READING		
3/03	REFERRED TO LOCAL GOVERNMENT		
3/25	HEARING		
4/02	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/05	2ND READING CONCURRED	50	0
4/07	3RD READING CONCURRED	49	0

	RETURNED TO HOUSE WITH AMENDMENTS		
4/11	2ND READING AMENDMENTS NOT CONCURRED	77	19
4/12	FREE CONFERENCE COMMITTEE APPOINTED		
4/16	HEARING		
4/17	FREE CONFERENCE COMMITTEE REPORT NO. 1		
4/18	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	95	1
4/19	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	91	6
	SENATE		
4/14	FREE CONFERENCE COMMITTEE APPOINTED		
4/17	FREE CONFERENCE COMMITTEE REPORT NO. 1		
4/18	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	48	0
4/19	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	47	0
4/22	SIGNED BY SPEAKER		
4/25	SIGNED BY PRESIDENT		
4/25	TRANSMITTED TO GOVERNOR		
5/01	SIGNED BY GOVERNOR CHAPTER NUMBER 485 EFFECTIVE DATE: 10/01/97		

HB 370 INTRODUCED BY TUSS, ET AL. *LC1178 DRAFTER: NISS*

AMEND THE TUMOR REGISTRY ACT TO EXPAND REPORTING REQUIREMENTS TO CERTAIN HEALTH CARE PRACTITIONERS AND CERTAIN HEALTH CARE FACILITIES OTHER THAN HOSPITALS

1/27	INTRODUCED		
1/27	FIRST READING		
1/27	REFERRED TO HUMAN SERVICES & AGING		
2/05	HEARING		
2/07	COMMITTEE REPORT—BILL PASSED		
2/08	2ND READING PASSED	96	1
2/10	3RD READING PASSED	96	2
	TRANSMITTED TO SENATE		
2/11	FIRST READING		
2/11	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
3/05	HEARING		
3/06	COMMITTEE REPORT—BILL CONCURRED		
3/10	2ND READING CONCURRED	49	1
3/11	3RD READING CONCURRED	48	2
	RETURNED TO HOUSE		
3/13	SIGNED BY SPEAKER		
3/14	SIGNED BY PRESIDENT		
3/17	TRANSMITTED TO GOVERNOR		
3/19	SIGNED BY GOVERNOR CHAPTER NUMBER 101 EFFECTIVE DATE: 10/01/97		

HB 371 INTRODUCED BY AHNER *LC1006 DRAFTER: FOX*

REPLACE THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM WITH THE FAMILIES ACHIEVING INDEPENDENCE IN MONTANA (FAIM) FINANCIAL ASSISTANCE PROGRAM

1/27	INTRODUCED		
1/27	FIRST READING		
1/27	REFERRED TO HUMAN SERVICES & AGING		
1/27	FISCAL NOTE REQUESTED		
2/01	FISCAL NOTE RECEIVED		

House BILL NO. 369

INTRODUCED BY Brainard Noble Fuss Adams
Grey Emerson Thomas Equals Denny McKee

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LOCAL GOVERNMENT LAW; REQUIRING CONTIGUOUS ANNEXATION BY A CITY OR TOWN TO BE APPROVED BY VOTE BY A MAJORITY OF THE REGISTERED VOTERS RESIDING IN THE AREA TO BE ANNEXED; INCREASING FROM 1 YEAR TO 5 YEARS THE PERIOD THAT A CITY OR TOWN COUNCIL IS REQUIRED TO WAIT TO INITIATE, WITHOUT PETITION, THE QUESTION OF ANNEXING AN AREA, CALCULATED FROM THE DATE A MAJORITY OF VOTERS RESIDING IN THAT AREA VOTE AGAINST ANNEXATION; CHANGING THE MEANING OF WHOLLY SURROUNDED LAND WITH RESPECT TO ANNEXATION BY A CITY OR TOWN; ELIMINATING A MAYOR'S AUTHORITY TO CALL OUT THE MILITIA; ELIMINATING A MAYOR'S RIGHT TO CALL OUT CITIZENS IN CASE OF A RIOT; ELIMINATING A MAYOR'S RIGHT TO EXERCISE EXTRATERRITORIAL POWERS WITHIN 5 MILES OF THE CITY OR TOWN LIMITS FOR THE PURPOSE OF ENFORCING HEALTH AND QUARANTINE ORDINANCES; AMENDING SECTIONS 7-2-4303, 7-2-4311, 7-2-4312, 7-2-4313, 7-2-4314, 7-2-4325, 7-2-4502, 7-2-4504, 7-3-4101, 7-4-4303, AND 50-60-101, MCA; AND REPEALING SECTIONS 7-2-4321, 7-2-4322, 7-2-4323, 7-2-4324, 7-4-4304, AND 7-4-4306, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-2-4303, MCA, is amended to read:

"**7-2-4303. Restrictions on annexation power.** Land used for industrial or manufacturing purposes ~~shall~~ may not be included in ~~such~~ a city or town under the provisions of 7-2-4311 through 7-2-4314 and ~~7-2-4321 through~~ 7-2-4325 without the written consent ~~in writing~~ of the owners of ~~such~~ the land."

Section 2. Section 7-2-4311, MCA, is amended to read:

"**7-2-4311. Annexation of contiguous land by cities ~~of the first class~~ or towns.** Any tracts or parcels of land ~~which~~ that have been or may ~~hereafter~~ be platted into lots or blocks, streets, and alleys or platted for parks, ~~and~~ the map or plat ~~thereof~~ of which is filed in the office of the county clerk and recorder of the county in which the ~~same~~ tracts or parcels of land are situated, or any unplatted land that has been surveyed and for which a certificate of survey has been filed, as provided ~~in these codes~~ by law, ~~which~~ if

the platted or unplatted land ~~shall be~~ is contiguous to any incorporated city ~~of the first class~~ or town, may be embraced within the corporate limits ~~thereof~~ of the city or town, and the boundaries of ~~such~~ the city ~~of the first class~~ or town may be extended ~~so as~~ to include the ~~same~~ platted or unplatted land in the manner provided in 7-2-4312 through 7-2-4314 and 7-2-4325."

Section 3. Section 7-2-4312, MCA, is amended to read:

"**7-2-4312. Resolution of intent by ~~first-class~~ city or town -- notice.** When, in the judgment of any city or town council, ~~of a city of the first class~~ expressed by a resolution ~~duly and regularly~~ that is passed and adopted, it ~~will be to~~ is in the best interest of ~~such~~ the city or town and the inhabitants of any contiguous platted tracts or parcels of land or unplatted land for which a certificate of survey has been filed that the boundaries of ~~such~~ the city or town ~~shall~~ be extended ~~so as~~ to include the ~~same~~ platted tracts or parcels of land or unplatted land within the corporate limits ~~thereof~~ of the city or town, the city or town clerk ~~of such city~~ shall:

(1) immediately notify, in writing, ~~addressed to the address to which tax notices are sent,~~ all ~~owners and purchasers under contracts for deed of property~~ registered voters in the territory to be embraced; and

(2) cause a notice to be published in the newspaper published nearest ~~such~~ the platted tracts or parcels of land or unplatted land for which a certificate of survey has been filed, at least once a week for 2 successive weeks."

Section 4. Section 7-2-4313, MCA, is amended to read:

"**7-2-4313. Contents of notice -- protest period.** The notice under 7-2-4312 must state that:

(1) the resolution has been ~~duly and regularly~~ passed; and

(2) for a period of 20 days after the first publication of the notice, the city or town clerk shall accept written comments approving or disapproving the proposed extensions of the boundaries of the city ~~of the first class~~ or town from ~~real property owners of~~ registered voters residing in the area proposed to be annexed."

Section 5. Section 7-2-4314, MCA, is amended to read:

"**7-2-4314. Hearing on question of annexation -- vote on question of annexation -- resolution of**

annexation. (1) (a) The city or town clerk shall, at the next regular meeting of the city or town council ~~of a city of the first class~~ after the expiration of the 20-day period provided for in 7-2-4313, forward all written communication received by the clerk for the city or town council's consideration. ~~Except as provided in subsection (2), if after considering any written communication the~~

(b) If the city or town council, after considering all written communication, adopts a resolution approving the annexation, the ~~boundaries of the city must be extended to include the platted tracts or parcels of land or unplatted land for which a certificate of survey has been filed~~ implementation of the resolution must be approved by the vote of a majority of the registered voters residing in the area proposed for annexation. The resolution must state the date on which the proposed annexation ~~takes~~ is intended to take effect.

(c) Within 45 days of adopting the resolution for annexation, the city or town council shall submit the question of approving the resolution to the registered voters residing in the area proposed for annexation. A notice of election must be mailed to all registered voters residing in the area proposed for annexation.

(2) ~~The resolution may not be adopted by the city council if disapproved in writing by a majority of the real property owners of the area proposed to be annexed, and further~~ Further resolutions relating to the annexation of the area or any portion of the area may not be considered or acted upon by the council on its own initiative, without petition, for a period of ~~1 year~~ 5 years from the date of disapproval by the voters as provided in subsection (1)."

Section 6. Section 7-2-4325, MCA, is amended to read:

"**7-2-4325. Consolidation of proceedings for two or more tracts.** Whenever two or more adjacent tracts taken as a whole ~~shall~~ adjoin ~~the~~ a city or town, ~~they~~ the tracts may be included in one resolution under ~~7-2-4321 through 7-2-4325~~ this part, although one or more of ~~said~~ the tracts taken alone may not be adjacent to the corporate limits as then existing."

Section 7. Section 7-2-4502, MCA, is amended to read:

"**7-2-4502. Protest not available.** ~~The~~ Wholly surrounded land is annexed, if so resolved by the city or town council, whether or not a majority of the real property owners of the area to be annexed object. The question of annexing the wholly surrounded land is not subject to being voted on by the

registered voters of the area to be annexed."

Section 8. Section 7-2-4504, MCA, is amended to read:

"**7-2-4504. What constitutes contiguous lands.** (1) Except as provided in subsection (2), tracts ~~Tracts~~ or parcels of land proposed to be annexed to a city or town under the provisions of this part ~~shall be deemed~~ are considered contiguous to ~~such~~ the city or town even though ~~such~~ the tracts or parcels of land may be separated from ~~such~~ the city or town by a street or other roadway, irrigation ditch, drainage ditch, stream, river, or a strip of unplatted land too narrow or too small to be platted.

(2) A tract or parcel of land may not be considered wholly surrounded if a street or roadway forms a border of the tract or parcel unless the street or roadway is contiguous to the city or town for the entire length of the street or roadway that forms the border of the tract or parcel."

Section 9. Section 7-3-4101, MCA, is amended to read:

"**7-3-4101. Strong mayor form of municipal government.** (1) The qualified electors of any city or town in this state may, in the manner provided in ~~part 42 of~~ chapter 5, part 42, ~~cause~~ adopt an ordinance ~~to be adopted which has as its subject the~~ vesting ~~of~~ any or all of the following powers with the office of mayor of ~~such~~ the city or town:

(a) to appoint and remove, without consent of the council, all nonelective officers of the city or town;

(b) to exercise absolute control over all departments and divisions of the city or town created in this title or that may be created by the council;

(c) to appoint one or more administrative assistants to assist ~~him~~ in the direction of the operations of the various city departments and agencies;

(d) to be solely responsible for the preparation of the annual budget in compliance with the procedures set forth in ~~part 42 of~~ chapter 6, part 42;

(e) to appoint a budget and finance director whose functions ~~shall~~ include the preparation of the annual municipal budget under the direction of the mayor.

(2) If any ordinance duly adopted in accordance with this section is in conflict with 7-4-4114, 7-4-4303, ~~through 7-4-4306~~ 7-4-4305, 7-5-4102(1), 7-5-4122, 7-5-4205, and 7-5-4206, the provisions of this section ~~shall~~ prevail."

Section 10. Section 7-4-4303, MCA, is amended to read:

"**7-4-4303. Powers of mayor related to municipal officers, personnel, and citizens.** The mayor has power to:

(1) nominate and, with the consent of the council, appoint all nonelective officers of the city or town provided for by the council, except as provided in this title;

(2) suspend and, with the consent of the council, remove any nonelective officer, stating in the suspension or removal the cause ~~thereof~~ for the removal;

(3) supervise the discharge of official duty by all subordinate officers;

(4) require of any of the officers of a city or town an exhibit of ~~such~~ the officer's books and papers;

~~(5) call on every citizen of the city or town over the age of 18 years to aid in the enforcement of the laws and ordinances in case of riot;~~

~~(6)~~(5) request that the governor call out the militia to aid the mayor in suppressing riots or other disorderly conduct, preventing and extinguishing fires, securing the peace and safety of the city or town, or carrying into effect any law or ordinance."

Section 11. Section 50-60-101, MCA, is amended to read:

"**50-60-101. Definitions.** As used in parts 1 through 4 and part 7 of this chapter, unless the context requires otherwise, the following definitions apply:

(1) (a) "Building" means a combination of any materials, whether mobile, portable, or fixed, to form a structure and the related facilities for the use or occupancy by persons or property.

(b) The ~~word "building" shall~~ term must be construed as though followed by the words "or part or parts ~~thereof"~~ of the building".

(2) "Building regulations" means any law, rule, resolution, regulation, ordinance, or code, general or special, or compilation thereof enacted or adopted by the state or any municipality, including departments, boards, bureaus, commissions, or other agencies of the state or a municipality relating to the design, construction, reconstruction, alteration, conversion, repair, inspection, or use of buildings and installation of equipment in buildings. The term does not include zoning ordinances.

(3) "Construction" means the original construction and equipment of buildings and requirements or standards relating to or affecting materials used, including provisions for safety and sanitary conditions.

(4) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

(5) "Equipment" means plumbing, heating, electrical, ventilating, air conditioning, and refrigerating equipment, elevators, dumbwaiters, escalators, and other mechanical additions or installations.

(6) (a) "Factory-built building" means a factory-assembled structure or structures equipped with the necessary service connections but not made so as to be readily movable as a unit or units and designed to be used with a permanent foundation.

(b) ~~"Factory-built building"~~ The term does not include manufactured housing constructed after June 15, 1976, under the ~~HUD,~~ National Mobile Home Construction and Safety Standards Act of 1974.

(7) "Local building department" means the agency or agencies of any municipality charged with the administration, supervision, or enforcement of building regulations, approval of plans, inspection of buildings, or the issuance of permits, licenses, certificates, and similar documents prescribed or required by state or local building regulations.

(8) "Local legislative body" means the council or commission charged with governing the municipality.

(9) "Municipality" means any incorporated city or town ~~and its jurisdictional area as defined by subsection (10) of this section~~.

(10) ~~(a)~~ "Municipal jurisdictional area" means the area within the limits of an incorporated municipality ~~unless the area is extended at the written request of a municipality.~~

~~(b) Upon request, the department may approve extension of the jurisdictional area to include:~~

~~(i) all or part of the area within 4 1/2 miles of the corporate limits of a municipality;~~

~~(ii) all of any platted subdivision which is partially within 4 1/2 miles of the corporate limits of a municipality; and~~

~~(iii) all of any zoning district adopted pursuant to Title 76, chapter 2, part 1 or 2, which is partially within 4 1/2 miles of the corporate limits of a municipality.~~

~~(c) Distances shall be measured in a straight line in a horizontal plane~~.

(11) "Owner" means the owner or owners of the premises or lesser estate, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a building.

(12) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own mode of power or is mounted on or towed by another vehicle, including but not limited to a:

(a) travel trailer;

(b) camping trailer;

(c) truck camper; or

(d) motor home.

(13) "State agency" means any state officer, department, board, bureau, commission, or other agency of this state.

(14) "State building code" means the state building code provided for in 50-60-203 or any portion of the code of limited application and any of its modifications or amendments."

NEW SECTION. **Section 12. Repealer.** Sections 7-2-4321, 7-2-4322, 7-2-4323, 7-2-4324, 7-4-4304, and 7-4-4306, MCA, are repealed.

-END-

Art Arnold, Valley County Commissioner *{Tape: 1; Side: A; Approx. Time Count: 39.4; Comments: commissioners are close to the people.}*

Adam Dahlman, Teton County Commissioner *{Tape: 1; Side: A; Approx. Time Count: 39.9-40.2; Comments: support.}*

Rep. Toni Hagener, former County Commissioner, former President of MACO *{Tape: 1; Side: A; Approx. Time Count: 40.2; Comments: will not change county commissioner authority negatively; responsible to local citizens.}*

Opponents: Mike Skinner {Tape: 1; Side: A; Approx. Time Count: 43-Tape: 1; Side B; Comments: ***Exhibit*** *3-Lewis and Clark County Resource Conservation Performance Standards; 500 people disputed how broad the power was in the guise of interim zoning; county makes up their own rules.}*

Andy Skinner, East Helena *{Tape: 1; Side: B; Approx. Time Count: 1.9-5.9; Comments: conflict between state and local standards; county does not have the staff, engineers or expertise to make complex decisions;* ***Exhibit*** *4-referenced to vote against people's will.}*

John Shontz, Montana Association of Realtors *{Tape: 1; Side: B; Approx. Time Count: 6.3-8.7; Comments: counties are administrative bodies of the legislature; 108 year history; this would change 180 degrees; government of limited power-granted by the people if they chose.}*

Don Allen, Montana Wood Products Association *{Tape: 1; Side: B; Approx. Time Count: 8.8-12.4; Comments: concerned about expanding authority; county should comply with administrative procedures.}*

Questions From Committee Members and Responses: *{Tape: 1; Side: B; Approx. Time Count: 12.7-34.2; Comments: Kottel-constitutional issues-separation of power; Morris-county rely heavily on technical support from the state.}*

Closing by Sponsor: Rep. Denny closed *{Tape: 1; Side: B; Approx. Time Count: 36.6-38.0}*

HEARING ON HB 369

Sponsor: Rep. Matt Brainard, HD 62 *{Tape: 2; Side: A; Approx. Time Count: 0-5.1; Comments: bill extends self determination of the county; deals with contiguous annexation.}*

Proponents: Jay Sage, Missoula *{Tape: 2; Side: A; Approx. Time Count: 5.4-7.0; Comments: burden door to door for signatures, process difficult, vote fairer;* ***Exhibit*** *5, 5a, 5b, 5c, 5d, 5e.}*

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Norm Mills, on February 11, 1997, at 3:00 P.M., in Room 104.

ROLL CALL

Members Present:

Rep. Norm Mills, Chairman (R)
Rep. Chris Ahner, Vice Chairman (Majority) (R)
Rep. David Ewer, Vice Chairman (Minority) (D)
Rep. Ellen Bergman (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Matt Brainard (R)
Rep. Bill Carey (D)
Rep. Matt Denny (R)
Rep. Charles R. Devaney (R)
Rep. Tim Dowell (D)
Rep. Antoinette R. Hagener (D)
Rep. Sam Kitzenberg (R)
Rep. Deb Kottel (D)
Rep. Bob Lawson (R)
Rep. Linda McCulloch (D)
Rep. Daniel W. McGee (R)
Rep. Wes Prouse (R)
Rep. Liz Smith (R)
Rep. Loren L. Soft (R)

Members Excused: None

Members Absent: Rep. Jon Ellingson (D)

Staff Present: Bart Campbell, Legislative Services Division
Debbie Thompson, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 369 - 1/27
HB 373 - 1/28
HB 377 - 1/28
Executive Action: None

HEARING ON HB 377

Sponsor: Rep. William Ryan, HD 44 *{Tape: 1; Side: A; Approx. Time Count: 0-4.4; Comments: people can apply for tax exemption if TV reception can not be received.}*

Rep. Carolyn Squires *{Tape: 2; Side: A; Approx. Time Count: 7.2-9.5; Comments: wholly surround feature, need right to vote.}*

Russ Ritter, Montana Rail Link and Burlington Northern *{Tape: 2; Side: A; Approx. Time Count: 9.6; Comments: support because of property owners.}*

Paul Asay, Missoula *{Tape: 2; Side: A; Approx. Time Count: 10.8-16.7; Comments: involved with annexation process for past 23 years; discussed difficulty in process.}*

Richard Rossignol, Lolo *{Tape: 2; Side: A; Approx. Time Count: 17.3-19.0; Comments: cities force people to become members; citizens no choice in standards for health and safety; question of not being able to vote on choice of how to live;* ***Exhibit*** *6 letter.}*

Bobby Rossignol, **Exhibit 7a-z, Exhibit 8** *{Tape: 2; Side: A; Approx. Time Count: 20.5-23.6; Comments: read letter signed by 250 people.}*

Richard Overcast *{Tape: 2; Side: A; Approx. Time Count: 23.5; Comments: city should not step outside city limits on citizens who can't vote.}*

Rep. Carley Tuss *{Tape: 2; Side: A; Approx. Time Count: 23.6-24.1; Comments: rights of county folks to vote about regulations of growth areas.}*

Allen Reilly, Fire Chief District 8, Billings *{Tape: 2; Side: A; Approx. Time Count: 24.2-24.9; Comments: residents choice.}*

Opponents: Mike Kadas, Missoula Mayor *{Tape: 2; Side: A; Approx. Time Count: 25.1-38.1; Comments: referred to map of recent annexation;* ***Exhibit*** *9; importance of having control over maintenance contracts with the state; enforcement of city ordinances-access to sewer lines; free services-weakens city financially and infrastructure; another city outside of the city receive the services and are not paying for them.}*

Alec Hansen, League of Cities and Towns *{Tape: 2; Side: A; Approx. Time Count: 38.2-41; Comments: difficulty delivering services; building codes issue.}*

Andy Skinner, East Helena *{Tape: 2; Side: B; Approx. Time Count: 0-2.5; Comments: concerned about voters that encumber private property owners; annexation expensive to those on fixed income; most people building outside the city don't have the money to build in the city such as older people and younger people.}*

Jim Kembel, Montana Technical Council *{Tape: 2; Side: B; Approx. Time Count: 2.9-4.6; Comments: fast growing areas, buildings go without inspections under county enforcement of building codes.}*

Brandt Salo, **Exhibit** 10 *{Tape: 2; Side: B; Approx. Time Count: 4.7-7.6; Comments: code enforcement system; building codes insurance rating rigorous; to deny residents in 4.5 mile area options is shortsighted.}*

John Lawton, Great Falls City Manager *{Tape: 2; Side: B; Approx. Time Count: 7.7-12.4; Comments: building codes not enforced outside city limits; safety question; safeguards currently Commerce Department, no safeguards if bill passes.}*

Mark Watson, City Administrator of Billings *{Tape: 2; Side: B; Approx. Time Count: 12.5-17.1; Comments: problems with orderly growth; financial does not offset infrastructure costs.}*

Craig Keizeman, Kalispell, **Exhibit 11, 11a, 11b-letters** *{Tape: 2; Side: B; Approx. Time Count: 17.3-21.0; Comments: safety concerns; inconsistency with regulation; current system allows building inspections.}*

Jerry Quinn, Whitefish *{Tape: 2; Side: b; Approx. Time Count: 21.5-22.0.}*

Questions From Committee Members and Responses: *{Tape: 2; Side: B; Approx. Time Count: 22.0-Tape 3; Side A; 16.7; Comments: block grants discussed; right of property owners vs. electorate.}*

Closing by Sponsor: Rep. Brainard closed *{Tape: 3; Side: A; Approx. Time Count: 19.7-28.5; Comments: idea of self determination, wholly surround, street that borders city completely contiguous; boundary issues; building codes-equal application of the law.}*

EXHIBIT 5
DATE 2-11
HB 369

Jay Sage
2135 W. Sussex
Missoula, Montana 59801
(406) 721-9494

February 10, 1996

House Local Government Committee
Capital Station
Helena, Montana 59620

Re: HB 369, Brainard, Revise Local Gov- Vote On Annexation-Eliminate Extra Territorial Powers

Dear Mr. Chairman and Members of the Committee:

I ask you for your support of HB 369 for the following reasons:

THE RIGHT TO VOTE PROVIDES FAIRNESS

The right to vote on annexation is an issue of basic fairness. Let there be no doubt that existing law (protest by petition) is unfair and biased in favor of cities when large numbers of people are annexed. As elected Representatives I assume that most if not all of you have first hand experience with door to door campaigning. Protesting annexation by petition is more difficult than campaigning door to door. Imagine that your election was decided by the petition process. Added to having to contend with dogs and only finding a small percentage of people at home at any given time consider the following: The only way you can win the contest is to carry a petition from door to door and obtain a majority of valid signatures. Everyone must sign exactly the way their name is registered or else their signature is disregarded. Your opponent does not need to obtain a single signature to win. Your opponent circulates a petition to remove signatures you have obtained from your petition. You are limited to twenty days in which to obtain signatures. Your opponent controls when the contest begins and chooses the starting date of December 15th. A time of year when very few people at home because people are busy preparing for Christmas. You also have the short days and the bitter cold of winter to contend with. If your opponent is not successful this time the contest can be brought up each and every year. Would you consider this to be a fair contest? The forgoing analogy shows how cities can and do abuse the petition process to compel annexation. HB-369

PROPONENT of HB 369

would stop this abuse and level the playing field by allowing us the right to vote.

WHOLLY SURROUND LAW NEEDS CLARIFICATION

Annexation by the wholly surround method denies you of all rights to protest annexation and it is also a method used illegally and inappropriately by cities. Clarification provided by HB-369 will end the abuse of this method of annexation by specifying when land may be considered as "wholly surrounded."

END TAXATION WITHOUT REPRESENTATION

Exercise of extraterritorial powers by city government outside city limits is the antithesis of a representative form of government. County residents have no voice in city government why should cities have jurisdiction over them? If safety and health reasons are the real concern then these issues should be addressed state wide. Or is there a magic line that is crossed at the four and one half mile limit where safety and health is of no concern? The true reason for opposition; is the easy pickings to be had through collection of fees currently used to fill city coffers at the expense of those with no say in the matter. Imposing rules, regulations and fees by officials immune from accountability to the electorate whom they burden is just as wrong when imposed by city officials or by King George. HB 369 stops city control of areas outside city limits.

HB 369 IS A BILL FOR ALL MONTANANS

HB 369 is a bill for the "people" of Montana, it restores fairness to an unfair system, it will clarify annexation law reducing costly court challenges and it will secure the safeguards of representative government for all Montanans at the local government level. As "Representatives" of the "People" of Montana I request that you move HB 369 out of Committee without delay with a **Do Pass Recommendation**. Thank you for your consideration of my views on this matter.

Respectfully,

Jay Sage

Jay Sage

PROPONENT of HB 369

Sa
DATE 2-11
HB 369

February 10, 1997

I've lived in this neighborhood since 1932. This area has always been in the county and I have been satisfied with the county services which is more than some of my family and friends can say that were in the city. Since 1995, because of total surround legislation, we are now part of the city of Missoula against the will of all the neighborhood. Even though we attended city council meetings and have elected new representatives to the city council, we are paying more in taxes with less representation and fewer services.

We should have the right to choose the government that best suits our needs.

Sincerely,

Ellen C. Chaussee

Ellen Chaussee
1319 River Road
Missoula, MT

P.S. Now all we have is higher taxes and poorer services!

SB
2-11-97
HB 369

February 10, 1997

Ladies and Gentlemen:

This letter is in support of HB-369.

Any city should be obligated to attract outlying residences by providing efficient government and desired, responsive services. Good government is not the product of forced government.

Sincerely,

John Rice

John Rice
2019 Burlington
Missoula, MT 59801

5c
2-11-97
HB 369

February 10, 1997

My husband and I have lived in the Missoula county for 25 years.

Now because of the annexation our taxes will be higher with no increase in needed services. It doesn't seem fair that people signed the petition and still it went through.

Who is protecting our rights?

Sincerely,

Jan Tromp

Jan Tromp
2112 Trail
Missoula, MT

EXHIBIT 5d
DATE 2-11-97
HB 369

Local Government Committee
Capitol Station
Helena, Mt. 59620

Wilma Sage
2135 W. Sussex
Missoula Mt. 59801

Re: HB 369, Revise local Gov't. Change Annexation, Limit Mayor's Power

Dear Mr. Chairman & Members of the Committee

I ask that you give this entire bill a DO PASS as it would provide a fair method of annexation of parcels of land to cities by giving citizens of the areas a voice & a choice in the process by putting it to a vote. This is what a representative form of gov't is supposed to provide, unlike a monarchy or a dictatorship which gives the decision making to a King and his men or a Dictator. Missoula's former mayor was fondly referred to as "King Dan" by many of his council, and NOT so fondly as "Dictator Dan" by many of the citizens he exercised his control over, both inside & outside the city limits. This suggests that the mayors are given or are taking too much control. Our governor should be responsible for calling out citizens to help during emergencies NOT a "Mayor Trochman". It is also my firm belief that our state building codes and requirements are adequate & sufficient for all buildings; and city

time lost and extra fees & permits. If city codes are used at all, they should certainly be restricted to inside city limits Not to the current 4½ mile buffer zone now used. Therefore I urge a Do Pass for HB 369

Thank you

Wilma Sage - Wilma Sage

Se
2-11-97
369

Mr. Chairman and Committee For Local Government.

Please support and pass House Bill 369. This bill would correct some of the inequities that the present system imposes on those citizens wholive near a city or town, but are not allowed to vote upon the annexation and other proposals that the Mayors and City Councils exercise at this time. At present we are denied this VOTING RIGHT. The people who reside near a city or town and VOTE are usually responsible citizens and give as well considered judgements on ordinances and laws as the average city counsil member does ,as these proposals directly affect many of these people and not the city council member voting on the issue--such as Annexation.

I feel that House Bill 369 would allow this voting segment of the population their just rights as citizens of Montana.

I strongly urge you to pass House Bill 369.

SVEA A.SAGE
Svea A. Sage
2718 West Central
Missoula, Mt. 59804

EXHIBIT 12
DATE 2-17
HB 369

House Local Government Committee
Capitol Station
Helena, MT 59621

Re:House Bill 369, Brainard, Change annexation-building code

Dear Mr. Chairman and Members of the Committee;

Cities that force annexation are failures. The essence of liberty is the freedom to choose. Individuals chose to be members of our original colonies as they chose to be members of the State of Montana. When government does its job protecting freedom, individuals will seek to form an allegiance with it. When governments fail this essential function, people need the ability to say no.

Extraterritorial powers now granted to cities are of the same nature as forced annexation. Citizens in this situation have no choice in setting their own standards for health and safety, or of voting for those who are setting these standards.

At the present time state law fails to provide for the most important function of any freedom based government. ~~free choice~~. House Bill 369 will rectify this omission.

Richard M. Rossignol
PO Box 369
Lolo, MT 59847
406-273-2415

EXHIBIT 7 A-Z
DATE 2-11
HR 369

House Local Government Committee
Capitol Station
Helena, MT 59620

Exhibit# 7a-z 36 pages
Signatures + letters supporting HB369
The full exhibit is available from:
MT Historical Society Archives
225 North Roberts
P.O. Box 201201
Helena, MT 59602-1201
Phone: (406) 444-4775

Re: House Bill 369, Brainard, Change an

Dear Mr. Chairman and Members of the C

Please support HB 369!

Help restore democratic process to local government and the matter of annexation.

We are not opposed to the concept of annexation, however, we do want the right to decide what form of local government we live under.

If we live in an area that is proposed for annexation, we should have the right to vote.

Shouldn't those living in an un-incorporated town have the same rights as those living in an incorporated town?

Please vote for HB 369!

It will not end annexation, only make the process fair and more democratic.

Thank you for your consideration on this matter.

Name	Address	Phone #
Earlene Tungquist	321 Stone	721-2939
Roy D. Tungquist	321 Stone	"
[illegible]	3210 Flanigo	728-7131
[illegible]	3204 South 7th W	721-5017
Treva Preator	3144 So 7th W	549-3955
Diana Preston	525 S. Ave W.	728-2724
Carol J. Everly	2412 S 4th W	549-7340
Otis L Cogdill	923 Hiberta	542-0137
Nadine Cogdill	923 Hiberta	542-0137

EXHIBIT 8
DATE 2-11
HB 369

I want to go on record as supporting HB369, limiting a city's ability to govern beyond its incorporated limits. Living in Missoula County beyond the city limits of Missoula keeps us continually vijulant and fearful of what the city government and mayor may try to force onto the residents of the county.

There seems to be some real infringements on our rights as residents in the county when the city attempts to annex people outside the city limits. This annexation takes place against county residents with no right to vote on whether or not they wish to be annexed.

How can we as a democratic republic allow people to be forced by people who were elected in elections they were not allowed to vote in, to decide that they should be forced into annexation?

I put an addition on a garage I own last summer in Lolo and incurred a lot of red tape and delay from the city planning board. The garage addition was within 300 feet of the 4 1/2 mile limit the city has decided is under it's jurisdiction. Because of this the building contractor was not able to put in a cement floor without first getting an engineer to certify the floor construction, even though the contractor puts in these floors in other areas of the county and meets state construction standards. We needed this certification. The people at the city planning office held up this construction for almost thirty days to require this engineering work at additional cost to me, and we ended up

putting in the same floor that would have been put in had I lived 300 feet away outside of the city's control.

These are the types of things that happen when the city can extend its control without our being able to have a vote in their government.

With this in mind, I hope that this committee will vote to support H.B. 369 to limit the city's ability to extend it's governing authority beyond it's city limits.

James G. Hollandsworth

James G. Hollandsworth

Lolo MT

EXHIBIT 9
DATE 2-11
HB 369

FUSSELL ENGINEERING
CONSULTING & DESIGN

Tuesday, February 4, 1997

Representative Vicki Cocchiarella
Capitol Station
Helena, Montana 59620

RE: HB388

Dear Representative Cocchiarella:

I learned with dismay that there is an attempt to reduce the ability of our building code officials to inspect construction that just happens to be outside of our Missoula boundaries. As you know, the city limits is not representative of what is in the City and what is clearly rural.

City building inspectors are equipped to handle the quantity of construction in the urban areas since that is a basic part of their job. They are well versed in urban type development, both commercial and residential. Furthermore they are acquainted with the contractors and builders who going to be doing business in the urban area independent of which side of the City limits they are on.

The state inspectors, by contrast, cover a very large area consisting of mostly rural residential with occasional commercial businesses. Their large territory requires constant compromise between travel time and inspection time. State inspectors simply cannot provide a level of coverage required by urban development.

Therefore it is crucial for life safety and protection of the public to have urban building inspectors be responsible for urban areas regardless of political boundaries.

If anything, HB388 should be modified to extend urban building inspector territories further beyond city political boundaries than current statutes allow.

Please inform your colleagues with facts so that an erosion of public protection does not occur.

Sincerely yours,

Michael T. Fussell

Michael T. Fussell, P.E.

COMMERCIAL o INDUSTRIAL o ARCHITECTURAL o MAC CONSULTING o ADA/OSHA COMPLIANCE
131 WEST MAIN, SUITE B MISSOULA, MONTANA 59802 (406)721-6996 FAX# (406)721-6777 INTERNET FUS@AOL.COM

2.4.1997

Business and Labor Committee
House of Representatives
State of Montana
Capitol Station
Helena, Montana 59620

Dear Business and Labor Committee,

As president of the Missoula Society of Architects I would like to join our local building officials in opposing the following sections of House Bill 388.

Section 50-60-302C

It appears to us that the proposed changes to this section will allow buildings built for human habitation to be built without code review. We feel this is a dangerous change to current Montana Code

Section 50-60-102

Requiring local building officials to be licensed in the trade in which they are inspecting will be costly and in some cases will require the firing and re-hiring of existing staff

Please take these notes into consideration when you are attending to this bill.

Sincerely,
Jeffrey Crouch
Missoula Society of Architects

January 30, 1997

House Business and Labor Committee
State of Montana Legislature
Capitol Station
Helena, MT. 59620

Re: HB-388

Dear Committee Members:

I a writing as a professional engineer working in Missoula. We have a structural engineering firm with 7 engineers, 3 CAD drafting people, and supporting staff. We are licensed in 17 states. We do considerable amount of work in California, Colorado, Utah, etc.. So, we work with building jurisdictions around the Western United States and very much appreciate their involvement in construction.

I am very concerned with House Bill 388 and the potential elimination of the 4 1/2 mile jurisdiction of city building inspection. The plans review and building inspection process is a critical aspect in insuring quality construction. The fees for the review and inspections is minimal.

If the city jurisdiction is eliminated, a significant amount of construction will be completed with no inspection. Commercial inspections will revert to the State. We also deal on a regular basis with the State Building Codes Division. They are already significantly overloaded. The State inspectors are not able to complete vital, timely inspections at the present time.

I urge you to reject House Bill 388. It would be a major step backwards for the construction industry.

Sincerely,
BEAUDETTE CONSULTING ENGINEERS

Tom R. Beaudette, P.E.

BEAUDETTE
CONSULTING
ENGINEERS, INC.
211 NORTH HIGGINS, 4th FLOOR
MISSOULA, MONTANA 59802
TEL: (406)721-7315

Missoula Electric Cooperative Inc.

FAX TRANSMISSION

MISSOULA ELECTRIC COOPERATIVE, INC.
1700 WEST BROADWAY
MISSOULA, MT 59802
406-721-4433
FAX: 406-549-3155

To: Bruce Bender
Fax #: 406 442 4030
From: Kirk Flynn
Subject: HB 388

Date: 2/3/97
Pages: 2 , including this cover sheet.

COMMENTS:

Missoula Electric Cooperative Inc.

1700 W. Broadway
Missoula, MT 59802
406/721-4433
FAX: 406/549-3155
1-800-352-5200

February 3, 1997

House Business & Labor Committee
Capital Station
Helena, MT 59620

Dear Sirs:

House Bill 388 requiring the use of journeyman electricians and plumbers to do inspections raises numerous problems for local electric utilities.

At the present time we work with both city and state inspectors for new and retrofit electrical installations. Local inspectors for the city can usually inspect installations within a weeks time. This provides us with a definite framework for us as we work with our customers.

State inspections which occur when the inspector is in the area can present problems for us and our customers. If there is a reason the installation is red tagged then we are required to disconnect the service until the problem is corrected. This creates additional work for the utility and problems for the customer.

Safety should be the primary concern for all electrical inspections. The state system has its drawbacks with regard to safety. The present city system works well and should remain. Additional requirements without funding by the state would place an unfair burden on city government.

The present city inspectors are trained and qualified to do the necessary inspections. Inspection before the connection of electrical service by the utility prevents more electrical accidents than the present state system where inspection occurs after electrical service is connected.

Sincerely

ROCKING M DESIGN
ARCHITECTURE & LANDSCAPE
2280 DUNCAN DR., MISSOULA, MT 59802 (406) 543-8647

February 4, 1997

Chairman of Business and Labor Committee
Capitol Station
Helena, MT 59620

re: House Bill No. 388

Mr. Chairman and Members of the Committee:

After reviewing the proposed amendments to Section 50-60-101, MCA, I offer the following comments for your consideration:

1. Regarding Section 1, subsections 10 and following: The jurisdictional areas of municipalities should not in any way be reduced. If anything the jurisdictional areas should be increased or some other method devised which provides for improving the code enforcement programs in the outlying areas so that the same standards are implemented uniformly throughout the state. Anything less invites substandard building practices, simply because for the majority of the construction processes in these areas, no inspection occurs.
2. Regarding Section 3, subsections 2, f and following: It is very reasonable to "ensure that all construction-related fees or charges imposed and collected by the municipality or county are necessary, reasonable and uniform . . . " It is also necessary that the fees are adequate to cover the costs of implementing the code enforcement program. This may best be accomplished by allowing that fees collected only be used for the code enforcement program. However, it must be understood that a program meant to appropriately deal with current and future code enforcement issues in time of sustained growth of construction activity has needs well beyond what may be identified as direct costs. It is also wise to require an agency to be financially accountable over time. However, the information collected over a 6 month period, would not seem adequate to determine fees and would likely result in roller coaster fee schedules due at least in part to the seasonal nature of the building industry.
3. Regarding Section 6, subsection 1, c: As I understand it, inspectors are currently required to be trained and certified. I do believe that this training and certification should be in the field for which they are utilized to inspect, however, requiring them to be state-licensed as journeymen in a particular trade seems redundant and likely to increase the costs of code enforcement.
4. Regarding Section 6, subsection 2: The language concerning "provisions for prompt revocation of certification . . " seems over generalized and restrictive. Calling for revocation of certification of an entire code enforcement program for infraction of <u>any</u> applicable statute or rule could result in loss of a valuable and necessary community service over a minor infraction or mistake and invites frivolous action by a disgruntled party.

I firmly believe that while specific building regulations may need to be reviewed and amended as appropriate to a particular local or application, code enforcement programs should be implemented in a uniform manner. My understanding is that the purpose of an enforcement program is not to restrict or complicate the building process but to assist the parties involved from design through construction and occupation in understanding and implementing the standards and practices they are already obligated to meet as established by law, in order to promote public health, safety and welfare. I can not help but think that the amendments proposed that I have addressed above, would be detrimental to this purpose.

I thank you for your time and consideration.
Sincerely,

Terre Meinershagen, AIA
ROCKING M DESIGN

architects engineers
3700 South Russell • Suite 114 • Missoula, MT • 59801 • (406) 728-9522 • Fax# (406) 728-8287

February 3, 1997

Business and Labor Committee
Capitol Building
Helena, MT 59620

Attn: Chairman:

Dear Chairman:

I understand that Representative Simon has introduced a bill that would change how construction projects would be inspected, particularly those that lie within 4-1/2 miles of city limits. After reading the bill and conferring with several of my colleagues, I have decided to write your committee to express these concerns:

1. Section 2.b(11): This particular change would take areas that lie within 4-1/2 miles of city limits out of that city's jurisdiction and make it the responsibility of the State. With State inspectors currently being spread too thin, it can be expected that they will be less responsive to requests for inspections. I foresee construction projects being completed without proper inspection.

   Consider also, that these areas (those within 4-1/2 miles of city limits) are potential candidates for annexation to those adjacent cities and that the city would have a vested interest on how these projects are constructed.

2. Section 6.1.c: This change would require inspectors to be licensed journeymen in their craft. This sounds like a good idea, however, I could see that it will be difficult to find such people, therefore putting the responsibility for inspection on the State once again. It can be expected that many projects will go un-inspected. In the various cities which I have worked, the local inspectors have done a fine job. I have less concern with their qualifications than I do with the State having the time and resources to take over the job.

In summary, I see this proposed bill as a way of letting construction projects be completed without proper inspection. My hope is that it does not become law.

I appreciate your consideration of my concerns.

Sincerely,

CTA Architects Engineers

Kent C. Bray, AIA

KCB:lh

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10
2-11-97
HB 369

MEMO

To: Norm Mills - Honorable Chairman, House of Local Government Committee
From: Brandt Salo - Chief Building Official, City of Helena
Subject: House Bill 369
Date: February 11, 1997

HB369 - Bill in its title fails to identify its intent to modify building code regulations relative to the municipalities ability to regulate construction within a 4 ½ mile extra-territorial jurisdiction by the elimination of those provisions in section 11 of the bill referring to 50-60-101, definitions item 10 (page 7 line 3 to 10 of the bill draft). I have been informed that this is inappropriate according to the state constitution.

Not only as a professional in the field of building code regulation and enforcement and as president of the Montana Chapter of ICBO, the professional association for code officials in the state, but also as a resident and taxpayer I am concerned as for the short sightedness of such actions as removal of the opportunity for extra-territorial jurisdiction. In its own self interest and for the benefit of its present and future citizens, a city needs to be able to reach out beyond their incorporated boundaries to regulate building code issues critical to the life and property safety of the occupants of buildings. Those areas surrounding the city will logically be the areas that the city will grow into as expansion takes place - disregarding regulations proposed to restrict or do away with the opportunity for a city to grow by way of annexation of adjoining area. These are the areas in which our children will purchase homes hoping for the same physical and financial security that action implies that you and I had when we purchased ours.

Those are the areas in which they will work and do their business. Aren't they entitled to the option of protection offered by the extra-territorial reviews of code issues by a forward-looking jurisdiction if they wish it, rather than inherit a legacy of potentially substandard construction with inherent life safety liabilities and excessive life cycle and maintenance costs that will inevitably occur?

A locally administered code program knows best what the issues and concerns are likely to be for the area residents. They can offer a more comprehensive coverage with greater benefits than a remote and state administered program for commercial construction and can fill a void for single family construction (as well as construction of four plex and less) where there is no comparable state program. This only serves to enhance property values and thereby, the investment of the property owner.

As building technology changes we want to take advantage of the improvements for better and more affordable structures, not just continue to build structures and homes as they used to. A certified program affords this opportunity both within and outside a city. As the State prepares for evaluation by the insurance industry under the Building Code Effectiveness Grading System (BCEGS) beginning in 1997 we may be saddling countless homes and businesses with a future and greater insurance liability to the overall economic detriment of the state, in those areas wishing to have extra-territorial code administration but prohibited from it by this legislation.

11
2-11-97
HB 369

The City of Kalispell

Incorporated 1892

Building Department

Craig A. Kerzman
Building Official

Telephone (406) 758-7730
248 3rd Avenue East
PO Box 1997
Zip 59903
Fax (406) 758-7739

February 11, 1997

Representative Mills and Members
House Local Government Committee
Capitol Station
Helena, MT 59620-1701

Re: House Bill 369

Dear Representative Mills and Members of the House Local Government Committee:

As you know, HB 369 proposes legislation that, if passed into law, would prohibit cities from issuing permits and doing code enforcement beyond the city limits.

For the reasons given in this letter, I am opposed to this bill.

My opposition is based on my belief in government's role in providing for public safety in the buildings people occupy as well as the water they drink and the air they breathe. Building safety affects every citizen in Montana. Preventing loss of buildings or lives, whether due to natural events such as floods and earthquakes or shoddy workmanship, should be a goal of every level of government.

If HB 369 passes in its present form and becomes law, residential structures from single family dwellings up through four-plex multi-family dwellings will not be inspected and may not be built to any code. Except for electrical wiring, these structures will drop out of the inspection system. The state does not inspect single family through four-plex structures and because of limited resources it is unable to provide the same level of inspection services for commercial construction that local building departments are able to provide. Building "to code" enhances building longevity and value, citizen safety and protects major investments.

Recent experience was gained and very expensive lessons were learned from Hurricane Andrew in Florida and Iniki in Hawaii, flooding in the Midwest and earthquakes in California. While none of these singular catastrophes has recently befallen Montana's buildings or residents, we are vulnerable.

Kalispell is in a seismic zone 3 and has a 70 mile per hour design wind speed. The snow load in Kalispell is 46 pounds per square foot. Anyone from the Kalispell area is aware of

the problems caused and damage done to buildings and building owners because of this winter's snowfall.

Based on experience, I will tell you that many builders, whether homeowner/homebuilder or contractor, do not fully appreciate the stresses placed on buildings due to natural forces and they do not build the buildings to withstand significant earthquakes, high winds or heavy snows. Constructing buildings that are safe and durable is as important as building highways, cars, airplanes, dams, etc., that are safe.

Buyers of single family homes, many of whom know little of construction or codes, make their single largest investment in their home. They often see only shingles, painted siding, walls and ceilings and floor coverings. Most of the construction is concealed. Defects such as undersize headers, over spanned rafters, trusses or joists, or inadequate foundations may not lead to catastrophic failure but will cause premature deterioration of the building with its resultant loss of desirability and value. Flaws may not be evident and may not manifest themselves until a critical event such as an earthquake, fire, heavy snow or high wind occurs. Construction inspection can help prevent inadequate construction but it must occur during the construction process to be effective.

To whom do the people turn when disaster happens? All too frequently they demand the government solve their problem; the same government they want off their backs. If anything has been learned over the years about nature's destructive forces and buildings, it is that preventing problems is easier and cheaper than fixing them. When the government is asked to pick up the check, the size of the check can be reduced by enforcement of minimum standards.

The argument that "it's my home, I'll be the only one damaged" is not true anymore. Decades ago it was common for succeeding family generations to live in the same house. Today, rather than one house lasting through several generations of a family, a single family generation now moves through several houses. One need look no further than a real estate magazine to see that houses, within the city limits as well as those way beyond, change owners frequently, on an average of every seven years.

Manufactured homes, which can be purchased from sales lots much as automobiles are purchased, are built to a national code in a controlled assembly line environment and are inspected. Why shouldn't the government provide an equal level of protection to those who decide to build or buy site built housing, particularly when the investment is generally greater and the life expectancy longer in a site built home. It would be ironic to have inspected manufactured housing and uninspected site built housing.

Representative Mills and Members of the House Local Government Committee
February 11, 1997

People benefit from government regulation in many ways. Nearly all goods and services involve some form of governmental regulation. Food and water, banks and bars, barbers and hairdressers, gaming, pharmaceuticals, fuel, paint, aviation, automobiles, highways, health care, engineering, legal and accounting services to name but a few. Why exclude buildings? They are just as important to our daily and long term well being as are any of the regulated goods and services listed. We live, work, shop, eat, worship, and assemble in buildings.

It seems ironic to me that people will pay more for annual premiums for collision insurance to protect their short term investment in a motor vehicle, which depreciates in value, than they will pay for a one time only building permit which will help protect a much larger and potentially appreciating long term investment. Building insurers, like auto insurers, have undertaken a program to reward codes and good code enforcement. It is called Building Code Effectiveness Grading Schedule (BCEGS), and has the potential to save money for Montana citizens.

Buildings are comprised of interrelated structural, architectural, electrical, pluming and mechanical systems. All are important and all should be built to a minimum standard and inspected. Each area is just as important and should be regulated to the same degree as the electrical wiring. While the state insists on permitting and inspecting the wiring, it seems like it is unconcerned about the other components that are necessary to make a safe and sound building.

Building permitting is also the process that many other regulatory functions depend upon for compliance with applicable laws. Floodplain regulations, zoning regulations, energy standards and other health (lead free solder, potable water, sanitary sewer disposal) and safety regulations are complied with because of the building permitting process. Without this safety check, no one knows there's a problem until there is a complaint, damage, injury, or fatality.

For contractors involved in commercial construction, I believe our local building department is better able to conduct plan reviews, issue building permits and pull inspections in a more timely manner than the state can provide. Local building departments are also in a position to better respond to the demands of local contractors and adapt to the local construction situation.

I don't think a law that will jeopardize the safety of thousands of homes and Montana citizens that live beyond the city limits of Montana's cities is necessary or wise. Building codes and code enforcement have led to better and safer buildings being constructed.

Representative Mills and Members of the House Local Government Committee
February 11, 1997

Better buildings are better for the community and for Montana's citizens. Ask the property and casualty insurance underwriters if codes and code enforcement should be lessened.

If House bill 369 becomes law, the level of safety and sanitation, as well as compliance with zoning, floodplain, and other regulations for residential construction, will decrease or disappear.

The people who are least able to afford architects, engineers, or private inspectors to protect their interests and who rely on their government for help and protection will be the losers, not developers and speculative home builders. Also hurt would be young families attempting to afford a home but who have little realization they may be placing their family in harms way or who will lose their investment unless they can afford an attorney to recover their damages.

Those of us charged with enforcing building codes know of the problems associated with structures not regulated by the codes for many of us have had to deal with those existing structures which have been annexed into our areas. It is often extremely difficult to modify structures not built to code, which later becomes the responsibility of a jurisdiction, without causing an extreme hardship to the owner. This problem is only aggravated by the influx of individuals moving to our state looking to take advantage of opportunities such as this.

I am unsure of what this bill intends to accomplish. While a handful of individuals may somehow benefit, it appears to create a huge potential to harm Montana's citizens and building inventory. Reasonable standards, fairly and equally enforced, are appropriate and ensure a safer environment to help prevent loss of life and property. It is in the best interest of building owners and tenants and all citizens of Montana to require minimum standards of construction for residential and commercial structures.

I urge you to kill this bill in committee or at least delete Section II amendments that deal with extraterritorial building code enforcement.

Sincerely,

Craig Kerzman
Building Official

11a
DATE 2-11-97
HB 369

February 11, 1997

Honorable Representative Norm Mills, Chairman
Local Government Committee
Capitol Station
Helena, MT 59620-1701

Re: House Bill 369

Dear Representative Mills and Committee Members:

I am opposed to House Bill 369 and ask you to consider the following:

* Building safety affects all Montana citizens, not just the ones who live in cities. We live, work, shop, worship, assemble, and recreate in buildings.

* Many buildings would drop out of the system since the state does not permit or inspect single family through four-plex dwellings.

* Local building departments are able to provide more timely and relevant service for the extraterritorial commercial construction than is the state, who will assume responsibility for commercial construction.

* Building departments provide checks for other regulations. For example: floodplain, energy, lead free solder, sewage disposal, and zoning.

* Homes are resold on average of every 7 years. Building "to code" enhances longevity, safety, resale value, and protects major investment.

* Manufactured housing is built to a standard and inspected. Site built housing should be afforded equal protection. Construction must be inspected during process if it is to be of any value.

* The insurance industry is seeking to reduce losses by offering incentives for better code enforcement. Lack of building inspection will cost Montanans money.

* Government will be asked to pick up the check for losses. Size of check can be reduced with good planning and enforcement of minimum standards.

Requiring minimum standards of construction allows builders, buyers, realtors, sellers and anyone connected with the building industry to work toward a common known goal. Like the center striping and other traffic control signs on our highways, building codes give us direction, enhance our safety, and help reduce loss of property and life.

Vote No on House Bill 369.

Sincerely,

Craig A. Kerzman

EXHIBIT 11b
DATE 2-11-97
HB 369

February 11, 1997

Honorable Representative Norm Mills, Chairman
Local Government Committee
Capital Station
Helena, MT 59620-1701

Dear Chairman Mills:

I have no comment on HB 369 other than on section 11 which defines "Municipal jurisdictional area".

I am a plans examiner for the City of Kalispell and a past combination building inspector for the City of Missoula. I have been in this profession for 16 years. I am ICBO certified as a plans examiner and as a building and mechanical code inspector. I am also IAPMO certified as a plumbing inspector.

I moved to Montana in 1993 and have purchased two homes since and am presently shopping again since relocating to Kalispell. I would like you to consider my unique position enabling me to evaluate the condition of single family residences as pertaining to the uniform codes. I am a consumer of a Montana product legitimized by law which fails to meet minimum fire and life safety standards. Outside of the control of local building departments, I have found numerous examples of the following: stairs without handrails, balconies without guardrails and stairs with inconsistent rise and run; bedrooms without egress windows or even windows at all; houses without smoke detectors; crawlspaces and attics with inadequate ventilation causing structural deterioration. These are just some of the obvious items. But what about what is concealed in the walls. I know from my experience as a plans examiner that many a building would be structurally unsound if not corrected during the plan review process.

It is my belief that local building code enforcement would help Montanans buy a home with some assurance that the minimum fire and life safety standards have been met. I know that less government regulation is "Politically Correct" in Montana and I support this, but there is a legitimate role of government. It is said " Let the buyer beware". How can they be ware of what is covered up? Inspection of new construction for single-family homes is a legitimate role of government. I've been told by builders that they build to code. I would venture to guess that less than 5 % of the builders own the current codes and fewer still have read them extensively. We need more than extra territorial code enforcement. We need state wide locally controlled (city/county) code enforcement for all buildings except for agricultural buildings. The state does not provide the code enforcement that the residence of Montana deserve.

They say that a man's house is his castle. Indeed, as long a he lives there, but, it is common knowledge that the average home trades hands every 4 years. The state should provide an inspection service for the unsuspecting public. Remember, even a home inspector can't see through walls. Allow for certified inspectors to be there during construction or expect civil suits to be the order of the day.

Respectfully submitted,

John Levien

John Levien

HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT COMMITTEE

ROLL CALL DATE 2-11-97

NAME	PRESENT	ABSENT	EXCUSED
Rep. Norm Mills, Chairman			
Rep. Chris Ahner			
Rep. David Ewer			
Rep. Ellen Bergman			
Rep. Sylvia Bookout-Reinicke			
Rep. Matt Brainard			
Rep. Bill Carey			
Rep. Matt Denny			
Rep. Charles R. Devaney			
Rep. Tim Dowell			
Rep. Jon Ellingson		X	
Rep. Antoinette R. Hagener			
Rep. Sam Kitzenberg			E
Rep. Deb Kottel			
Rep. Bob Lawson			
Rep. Linda McCulloch			
Rep. Daniel W. McGee			
Rep. Wes Prouse			
Rep. Liz Smith			
Rep. Loren L. Soft			

HOUSE OF REPRESENTATIVES
54TH LEGISLATURE

House Local Government COMMITTEE

WITNESS STATEMENT

Please Print

NAME Bobbie Rossignol BILL NO 369

ADDRESS PO Box 369 Lolo DATE 2-1-96

WHOM DO YOU REPRESENT? Self

SUPPORT ✓ OPPOSE _____ AMEND _____

COMMENTS: _____

W:\DATA\WP\WITNESS.95

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

House Local Government COMMITTEE BILL NO. NB 369

DATE 2-11 97 SPONSOR(S) _____

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Paul Laisy 2302 Pleasant Missoula	Self	X	
CRAIG KEIZEMAN	CITY OF KALISPELL		X
Judy Bolton	Self	X	
Brandt Sall	City of Helena/ICBO		X
Gerald J Quinn	City of Whitefish		X
W. James Kembel	Montana Technical Council		X
Charles R. Brooks	Yellowstone County		X
David Nelson	City of Helena		X
Jay Sage	Self	X	
CRAIG KEIZMAN	INDW		X
Jim Brown	Bldg Codes Comm	Info	
Bill Reed	MBED	X	
DAVE WOOD	SELF	X	
Stephen J Lies	Self.		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

ANDY SPINNER	SELF		X
John Lawton	Great Falls		X
R. Overcast	Self	X	

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

House Local Government COMMITTEE BILL NO. NB 369

DATE 2-11-97 SPONSOR(S) _____

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
MARK WATSON	City of Billings		~
Russ Ritter	MRL	✓	
Bobbie Rossignol	self	✓	
Carolyn Squires	H.B. #69	✓	
Richard Rossignol	Self	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Norm Mills, on February 18, 1997, at 3:00 P.M., in Room 104.

ROLL CALL

Members Present:

Rep. Norm Mills, Chairman (R)
Rep. Chris Ahner, Vice Chairman (Majority) (R)
Rep. David Ewer, Vice Chairman (Minority) (D)
Rep. Ellen Bergman (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Matt Brainard (R)
Rep. Bill Carey (D)
Rep. Matt Denny (R)
Rep. Charles R. Devaney (R)
Rep. Tim Dowell (D)
Rep. Jon Ellingson (D)
Rep. Antoinette R. Hagener (D)
Rep. Sam Kitzenberg (R)
Rep. Deb Kottel (D)
Rep. Bob Lawson (R)
Rep. Linda McCulloch (D)
Rep. Daniel W. McGee (R)
Rep. Wes Prouse (R)
Rep. Liz Smith (R)
Rep. Loren L. Soft (R)

Members Excused: None

Members Absent: None

Staff Present: Bart Campbell, Legislative Services Division
Debbie Thompson, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 461-2/12
HB 463-2/10
HB 508-2/10
HB 556-2/14
HB 291-2/17

Executive Action: HB 508 PASS AS AMENDED 19-1
HB 369 PASS AS AMENDED 16-4
HB 291 PASS AS AMENDED 13-7
HB 518 PASS AS AMENDED 18-2
HB 461 PASS 13-7

Rep. Devaney moved the bill as amended.

Discussion: *{Tape: 2; Side: B; Approx. Time Count: 21.9-26.5; Comments: Rep. Ewer said it was a problem that was not broke, law is to try to raise standards; levels of training discussed; difficulty of having all volunteers.}*

Vote: The question was called on the bill as amended. The motion PASSED 13-7.

EXECUTIVE ACTION ON HB 369

Motion: Rep. Brainard moved DO PASS HB 369. Rep. Brainard moved the amendments.

Amendments: Bart Campbell explained the amendments.

Discussion: *{Tape: 2; Side: B; Approx. Time Count: 34.7-40.7; Comments: Alec Hansen commented on the amendment-building code section gone, wholly surround issue gone, need to retain the power of the mayor; key element 300 or fewer parcels annexation issue; same protest features; 300 or more parcels require public vote; Railroad still in the law, no change proposed there.}*

Motion/Vote: The question was called on the amendments. The motion PASSED unanimously. Rep. Ahner moved DO PASS AS AMENDED.

Vote: The question was called. The motion PASSED 16-4.

EXECUTIVE ACTION ON HB 508

Amendments: Rep. Devaney moved the amendments in the handouts plus the 3 part amendment. Bart Campbell explained the amendments plus the conceptual amendment.

Motion: The question was called. The amendments passed unanimously. Rep. Devaney moved the bill as amended. The question was called. The motion PASSED 19-1.

EXECUTIVE ACTION ON HB 196

Motion: Rep. Hagener moved HB 196.

Discussion: *{Tape: 3; Side: A; Approx. Time Count: 16.3; Comments: Denny-broad rule making authority.}*

Motion/Vote: Rep. Denny moved to TABLE HB 196. The question was called. The motion to TABLE PASSED 12-8.

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN TOM BECK**, on March 25, 1997, at 3:53 p.m., in Room 405.

ROLL CALL

Members Present:
Sen. Thomas A. "Tom" Beck, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Dorothy Eck (D)
Sen. Sharon Estrada (R)
Sen. Wm. E. "Bill" Glaser (R)
Sen. Don Hargrove (R)
Sen. John "J.D." Lynch (D)
Sen. Walter L. McNutt (R)
Sen. Fred R. Van Valkenburg (D)

Members Excused: None

Members Absent: None

Staff Present: Martha Colhoun, Legislative Services Division
Jodi Jones, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: HB 369, HB 408, HB 240, HB 508
Posted: 3/12/97
Executive Action: None

HEARING ON HB 508

Sponsor: **REPRESENTATIVE CHARLES DEVANEY, HD 97, PLENTYWOOD**

Proponents:

Alec Hansen, MT League of Cities and Towns
Nathan Tubergen, City of Billings
Tim Magee, City of Great Falls

Opponents: None

Proponents:

Anne Hedges, MT Environmental Information Center
John Shontz, MT Assoc. of Realtor

Opponents: None

Opening Statement by Sponsor:

REP. CLIFF TREXLER, HD 59, Corvallis, presented HB 408. This bill doesn't open any loopholes or change anything on sub-divisions. Some counties interpret the sub-division law as any division or piece of land that gets smaller in one shape or form. This is not true. Some people may want to sell a small piece of land to the neighbor for agriculture use, this person does not have to go through sub-division review. However, some counties say that if a piece of property is reduced from 20 to 15 acres it has to go through the sub-division laws and be sent to the state for final review. This takes a lot of time and money to process this. He read the language that was added on page 2 lines 3-13. He said the main component of this bill is it does not have to be sent to the state.

Proponents' Testimony:

Anne Hedges, MT Environmental Information Center, said their main concern was a consumer protection issue and to make sure that if someone did sell property where a piece had previously been taken off, that there was enough remaining property for a replacement drain field.

John Shontz, MT Assoc. of Realtors, rose in support of HB 408.

Opponents' Testimony: None

Questions From Committee Members and Responses:

CHAIRMAN BECK asked if this solves the problem of someone who sells 29 acres of a 30 acre plot and leaves 1 acre for the original owner. In this instance the owner was required to come up with the well log and sewage permit and will this be taken care of under this bill. **REP. TREXLER** said yes it does.

Closing by Sponsor:

REP. TREXLER closed on HB 408.

{Tape: 1; Side: B; Approx. Time Count: 4:38 p.m.; Comments: .}

HEARING ON HB 369

Sponsor: **REP. MATT BRAINARD, HD 62, Missoula**

Proponents:

REP. CAROLYN SQUIRES, HD 68, Missoula
Mike Kadus, Mayor of Missoula
Alec Hansen, MT League of Cities and Towns
Russ Ritter, MT Rail Link
Frank Crowley, Mountain Water Company
Jay Sage, Self
Larry Hoffland, Target Range Homes
Joanna Glantz, Self
Marla Spolish, Self
Jim Hollandsworth, Self
Arlene Harris, Self
Bobbie Rossignol, Self
Verna Lange, Self
Wilma Sage, Self
Cathy Schindler, Self
Svea Sage, Self
Joe Gasvoda, Self
Sue Mathewson, Orchard Homes
Dick Rossignol, Self
James Glantz, Self
Rosemary Aitkens, Self

Opponents:

Peter Nielsen, Missoula City County Health Dept.

Opening Statement by Sponsor:

REP. MATT BRAINARD, HD 62, Missoula, presented HB 369. This is a bill concerning annexation and the revision of city mayor duties. This bill satisfies and ends a problem in Western Montana where people feel left out in decisions about large annexations. This bill will provide a consistency in the state code. When one municipality is annexed by another that is contingent upon approval by a vote, this annexation should be extended to the rest of the citizens of Montana. One of the amendments put in by the House allowed for a standard annexation of up to 300 parcels which results in a more normal type of annexation. Adjacent landowners to the city who want to come into the city are annexed with their compliance and there is no resistance to the annexation. This form of annexation allows for a petition and keeps that annexation in place so the majority of landowners who are under 300 parcels could petition against the annexation. When there is a large annexation that involves 3000 or 4000 people and a petition has to be sought it can be very difficult and a vote is more efficient.

Proponents Testimony:

REP. CAROLYN SQUIRES, HD 68, Missoula, spoke in favor of HB 369. She said her district was involved in a large annexation and they had the petitions and they were successful, but there was a lot

of hostility over it. The people were able to repeal the annexation for a year but then it went into effect.

Mike Kadus, Mayor of Missoula, spoke in favor of HB 369. He said originally this bill would have done a lot damage to municipal jurisdictions in Montana. He said **REP. BRAINARD** and he came to an agreement on this bill by giving up and adding some amendments. He said he agreed not to oppose the voting for larger annexations and in doing that, as a chief executive for a large Montana city, he is giving something up. He wants to bring peace to this issue. There has always been a problem with the cities and the unincorporated urban areas. He said there is one problem with this bill in that it repealed a number of mayoral authorities. The bill does repeal 7-4-4306 which provides the mayor with some territorial powers. This is used especially in the aquifer protection ordinance and the county commissioner support this mayoral powers. This part of the bill needs to be put back in and he handed out amendments **(EXHIBIT 2).**

Alec Hansen, MT League of Cities and Towns, said this bill will build communities and put the annexation fight behind us.

Russ Ritter, MT Rail Link, rose in support of HB 369. He said lines 24-27, page 1, Burlington Northern is in support of this.

Frank Crowley, Mountain Water Company, supported HB 369. He handed out testimony from Arvid Hiller **(EXHIBIT 3).**

Jay Sage, Self, rose in support of HB 369 **(EXHIBIT 4).**

Larry Hoffland, Target Range Homes, said their organization is in favor of the bill, but not the amendments. He said Target Range is a rural setting, but the people that live there understand that the next parcel will be annexed in the city.

Joanna Glantz, Self, said she started working with the City of Missoula on an annexation four years ago. While working on the committee, she found that they had a complete written plan of the annexation for the city. When she requested a copy of this it was denied to her. She said at the meetings she attended, they never quite told the truth as they promised the community would have a say in what was done, but the community never did. The community finally did a petition that called for an opinion of the people and they held off the annexation for a year. She said their Constitutional right was never exercised to have a vote on this matter. She said when the city annexed, they also took in state land and they now have a lawsuit against the city for this illegal move. She said when people have work done on their homes that live 4.5 miles from the city, they are required to sign a form not to protest against annexation. The city does this and it is blackmail.

Marla Spolish, Self, said she has five acres and she has seen Missoula fade away and it has not been to the people. This bill will help their community by giving the people more say.

{Tape: 1; Side: B; Approx. Time Count: 5:00 p.m.; Comments: .}

Jim Hollandsworth, Self supported HB 369 **(EXHIBIT 5).**

Arlene Harris, Self, said she was among some of the people who were annexed on Reserve Street in Missoula. She said she was also one of the people that carried the petition around to stop this annexation. She said it is wrong for us to live under a form of government that we didn't vote for.

Bobby Rossignol, Self, supported HB 369 **(EXHIBIT 6).**

Verna Lange, Self, read the Webster Dictionary definition of what government is. She said our founding fathers believed very strongly in the right to vote and they drafted a Constitution which preserved that right for all of us. If our local governments take these rights from us, you can believe they will find other areas of rights to take away. When the goals of our mayor and city council are directed toward the people then they will fight for them. She said we must retain a government that is of the people, by the people, and for the people.

Wilma Sage, Self said she would like this bill to pass without the amendments. She said the mayor has enough to take care of without reaching outside the city. She said in regards of annexation, they need to have a voice that is heard. She said we as a nation have chosen a democratic form of government and a majority of the people still want that right. She said we want to have the right to vote and share in these decisions.

Cathy Schindler, Self, said this bill will take the power away from the city and give it back to the people and give them a choice to vote for what they want in their government. She said she is not in favor of the amendment.

Svea Sage, Self, said each member sitting on this committee was elected by one person, one vote process. She said if the members on this committee felt they were fairly elected then they will vote for this bill. The city limits keep moving closer and closer by annexation and this process needs to be voted upon.

Joe Gasvoda, Self, said this bill will help the people and won't hurt the city.

Sue Mathewson, Orchard Homes, said the right to vote on an annexation is very important. She said she is concerned about the proposal to take out the repealer on the health department. As it is now, the health department issue is a propaganda tool and it has lost its credibility. The counties are very able to address these health matters.

Dick Rossignol, Self, spoke in favor of HB 369 **(EXHIBIT 7).**

James Glantz, Self, said this bill is for the whole state not just Missoula. He is against the amendments and would like the right to vote on such matters.

Rosemary Aitkens, Self, said she is in favor of passage of HB 369.

Opponents' Testimony:

Peter Nielsen, Missoula City County Health Dept., said they are concerned with the repealer in this bill. This is the section of state law that allows a city to extend its authority to enforce health and quarantine ordinances beyond the city limits. He said they have used this for garbage regulations and the aquifer protection ordinances. He said the county did not have the authority to adopt these regulations, so the city adopted them and they apply five miles beyond the city limits. He said even if the Health Board does have the authority to enact a regulation, they sometimes need the help of the city.

Questions From Committee Members and Responses:

SENATOR ESTRADA asked if the amendments were from the mayor. **SENATOR VAN VALKENBURG** replied yes.

SENATOR ESTRADA asked **REP. BRAINARD** how he felt about the amendments on this bill. **REP. BRAINARD** said he did not resist these amendments. When the bill was drafted he was thinking about quarantine and health regulations. For example, the city has an ordinance of having no horses in town and not within 5 miles. At the time, he was not aware of the aquifer protection and the power of that ordinance. At this time the amendment is appropriate.

SENATOR ECK asked if a developer wanted to have an area annexed that was more than 300 lots and there are no people there yet what happens in that case? **REP. BRAINARD** said if there was over 300 parcels the residents of that area would vote.

SENATOR ECK asked what if there are no residents. **REP. BRAINARD** said this is unlikely that 300 parcels would be annexed at one time. Those 300 parcels could be annexed at the same time and they could petition if they wanted.

SENATOR ECK said this is a problem and maybe it should be referenced that at least 50 people live in the area. There are cases where there are large sub-divisions where the only resident is the original owner. **REP. BRAINARD** said a parcel could be any survey area and could be annexed into the city. This bill is trying to strike a balance of when there are large numbers of parcels owned by a large number of individuals and still not go to the expense of an election.

SENATOR ECK said Bozeman has what is called the donut area that is within the jurisdiction of the city. In this particular case it was the neighbors who didn't want to see that land annexed. Are the duties in 7-4-306 related only to health. **REP. BRAINARD** said other extra territorial powers regarding building codes was dropped out of this bill.

SENATOR HARGROVE asked about the elimination of the mayor's power on line 25, page 5, and is that much of a concern. **REP. BRAINARD** said it is one of the mayor's duties that is no longer exercised. He said this was appropriate in Butte in order to put down miner's strikes, but not appropriate today. He said on line 27 rather than having the mayor call out the militia the Governor would do that.

Closing by Sponsor:

REP. BRAINARD said people want to have the right to vote on large annexations. Our state Constitution tells us the power comes from the people and this will put the power back into the democratic process. This bill will resolve conflicts of annexation. He handed in letters of support **(EXHIBIT 8).**

2

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 2
DATE 3-25-97
BILL NO. HB 369

Amendments to House Bill No. 369
Third Reading Copy

Requested by Sen. Van Valkenburg
For the Committee on Local Government

Prepared by Martha Colhoun
March 20, 1997

1. Title, lines 14 through 16.
Strike: "ELIMINATING" on line 14 through ";" on line 16

2. Title, line 18.
Following: "7-2-4324,"
Insert: "AND"
Strike: "AND 7-4-4306,"

3. Page 7, line 25.
Following: "7-2-4324,"
Insert: "and"

4. Page 7, line 26.
Strike: "and 7-4-4306,"

7-4-4306. Extraterritorial powers. The mayor has power to exercise such power as may be vested in the mayor by ordinance of the city or town, in and over all places within 5 miles of the boundaries of the city or town for the purpose of enforcing the health and quarantine ordinances and regulations thereof.

History: En. Sec. 367, 5th Div. Comp. Stat. 1887; amd. Sec. 13, p. 126, L. 1893; amd. Sec. 4781, Pol. C. 1895; re-en. Sec. 3250, Rev. C. 1907; re-en. Sec. 5030, R.C.M. 1921; Cal. Pol. C. Sec. 4386; re-en. Sec. 5030, R.C.M. 1935; amd. Sec. 1, Ch. 535, L. 1975; R.C.M. 1947, 11-802(17).

Attorney General Opinions:
Ordinance Regulating Discharge of Firearms Not Health Ordinance: A city ordinance regulating the discharge of firearms outside the city limits may not be enacted as a health ordinance and enforced pursuant to the extraterritorial powers granted to a mayor under this section. 42 A.G. Op. 8 (1987).

3

MOUNTAIN WATER COMPANY

P. O. Box 4826 • 1345 West Broadway • Missoula, Montana 59806 • Phone (406) 721-5570

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 3
DATE 3-25-97
BILL NO. #B369

ARVID M. HILLER
V.P. and General Manager
(406) 721-5570

TESTIMONY OF ARVID M. HILLER
VICE-PRESIDENT AND GENERAL MANAGER OF
MOUNTAIN WATER COMPANY
MISSOULA, MONTANA
IN SUPPORT OF AMENDMENT TO

SENATE BILL 369
SENATE COMMITTEE LOCAL GOVERNMENT

Mr. Chairman Beck, Ladies and Gentlemen of the Committee,

I am the Vice-President and General Manager of Mountain Water Company which is a privately owned Montana Corporation that supplies potable water to 50,000 residents of the Missoula and Superior communities. Our specific concern is the repeal in NEW SECTION. Section 10. section 7-4-4306 MCA, which gives the mayor of a Montana city the right to exercise extraterritorial powers within five miles of the city or town limits for the purpose of enforcing health and quarantine ordinances. We encourage your consideration of an amendment which would have the effect of grandfathering (including future changes) an ordinance which was passed by the City of Missoula several years ago. Following is an explanation of why we think an amendment of this nature has merit.

In our continuing efforts to protect the aquifer which underlies almost the entire Missoula valley we were very instrumental in the creation of a "Missoula Valley Aquifer Protection Ordinance". The only effective way to protect the aquifer which underlies the whole valley was through extraterritorial ordinance by the city of Missoula. The aquifer which needs to be protected is not confined to just the city limits of Missoula. By its hydro-geologic nature, contamination outside the City limits could lead to contamination of the total aquifer. When this ordinance was in the planning and public comment stage every segment of the affected community was involved. All of those affected supported the process up to and including final adoption of the ordinance. It was a very healthy process for our community and has resulted in real measures to protect our water resource.

We have no, concerns with the rest of Senate Bill 369 but urge you to adopt an amendment which will retain the extraterritorial ordinance authority as it relates to the "Missoula Valley Aquifer Protection Ordinance".

Thank You for Your Consideration in This Matter.

Arvid M. Hiller

Arvid M. Hiller

4

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 4
DATE 3-25-97
BILL NO. HB 369

Jay Sage
2135 W. Sussex
Missoula, Montana 59801
(406) 721-9494

March 25, 1997

Senate Local Government Committee
Capital Station
Helena, Montana 59620

Re: HB 369, Brainard, Revise Local Gov- Vote On Annexation-Eliminate Extra Territorial Powers

Dear Mr. Chairman and Members of the Committee:

I ask you for your support of HB 369 for the following reasons:

THE RIGHT TO VOTE PROVIDES FAIRNESS

The right to vote on annexation is an issue of basic fairness. Let there be no doubt that existing law (protest by petition) is unfair and biased in favor of cities when large numbers of people are annexed. As elected Senators I assume that most if not all of you have first hand experience with door to door campaigning. Imagine that your election was decided by the petition process. Added to having to contend with dogs and only finding a small percentage of people at home at any given time consider the following: The only way you can win the contest is to carry a petition from door to door and obtain a majority of valid signatures. Everyone must sign exactly the way their name is registered or else their signature is disregarded. Your opponent does not need to obtain a single signature to win. Your opponent circulates a petition to remove signatures you have obtained from your petition. You are limited to twenty days in which to obtain signatures. Your opponent controls when the contest begins and chooses the starting date of December 15th. A time of year when very few people are at home because they are busy preparing for Christmas. You also have the short days and the bitter cold of winter to contend with. If your opponent is not successful this time the contest can be brought up again each and every year. Would you consider this to be a fair contest? The forgoing analogy shows how cities can and do abuse the petition process to compel annexation. HB-369 would level the playing field by allowing citizens the right to vote.

PROPONENT of HB 369

END REGULATION WITHOUT REPRESENTATION

Exercise of extraterritorial powers by city government outside city limits is the antithesis of a representative form of government. County residents have no voice in city government, why should cities have jurisdiction over them? If safety and health reasons are the true issues of concern then these issues should be addressed state wide. There should be no imaginary line at the four and one half mile limit where safety and health is of no concern. The true reason for opposition; is the easy pickings to be had through collection of fees currently used to fill city coffers at the expense of those with no say in the matter. Imposing rules, regulations and fees by officials immune from accountability to the electorate whom they burden is just as wrong when imposed by city officials or by King George.

ANNEXATION IS NOT JUST A LOCAL ISSUE, FAIRNESS IS A STATE ISSUE

While the arguments for and against any particular annexation naturally address local problems and the proper solutions which are best decided locally. Many of the issues that are best decided locally regarding annexation are common to almost all annexations. These local issues include the cities desire to expand, to obtain more tax revenue and the cities claim that those living outside the city who come into the city to spend their money must do more than patronize the merchants in the city; they should also pay their fare share for the streets which they drive on to get to these merchants place of business. The people living outside the city claim spending their money with these merchants should be sufficient and that through these profits the city should obtain there tax revenue to pay for their own infrastructure. Those outside the city are also concerned with closing of their rural fire stations and loss of adequate fire protection, the lack of services such as snow removal, and the gentrification of many of the elderly residents on a fixed income. These issue are extremely important to those who are affected by them and should be decided on a local basis.

The issue that is properly of interest to the state is the issue of basic fairness in how one form of government is allowed to take over and control those outside of that system of government. Should those outside have no right to vote and no right to protest their annexation, as Mayor Kadas stated in the House Committee Hearing on this bill? Should gerrymandering of areas to be annexed be allowed in order to compel annexation, as happened in Kalispell? Or should the state take action to prevent this as they did in 1995. Should the people be on a level playing field with the city

attempting to annex them so the issue may be decided fairly? Or should the cities be allowed to maintain the advantage they now have to compel annexation? The answer to these questions is in your hands. I pray you will side with the people and allow them the right to vote.

HB 369 IS A BILL FOR ALL MONTANANS

HB 369 is a bill for the "people" of Montana, it restores fairness to an unfair system and it will secure the safeguards of representative government for all Montanans at the local government level. We are not asking for a special advantage only a level playing field and basic fairness. I hope that you move HB 369 out of Committee without amendments and with a **Do Pass Recommendation**. Thank you for your consideration of my views on this matter.

Respectfully,

Jay Sage

Jay Sage

PROPONENT of HB 369

Fairness is a[illegible]

Jay Fage

YES on SB 52

Equal rights for *all* property owners re: annexation protest

SB 52 does one simple thing: Gives equal annexation protest rights to *all* affected property owners, including *landlords* and *small businesses* -- not just to those who also live in the area. Current law for "first class" cities gives protest rights *only* to "*resident* freeholders."

Statewide fairness issue

Opponents claim SB 52 addresses only a local Kalispell-Evergreen dispute. *On the contrary*, SB 52 offers the benefit of *fairness statewide* -- brings fairness to the annexation process outside *all* "first class" cities (Billings, Bozeman, Butte, Helena, Great Falls, Missoula, Kalispell). That's why there's *statewide support* for SB 52.

End *2nd-Class rights* for property owners outside 1st-Class cities

Under current law, the *only* property owners with *no* rights to protest annexations that directly affect them are those who own property outside "first class" cities (but who themselves live elsewhere, such as in the city involved). SB 52 ends that -- brings fairness and equal rights to *all* property owners.

End "cherry-picking" and "gerrymandering" in annexation

Because property owners who don't also live in the area outside a "first class" city *have no rights to protest* annexation under current Montana law, cities tend to gerrymander the borders of proposed annexations so as to include only business properties whose owners live elsewhere. That way, "first class" cities can arbitrarily create an annexation area where *no one* can protest! SB 52 stops that -- encourages cities to propose *reasonable and fair* annexations that truly benefit the area where annexation is proposed.

Businesses get no special rights -- just *equal* rights

SB 52 *gives no business any special rights whatsoever* -- no matter how large and no matter who owns it. Property owners affected by a proposed annexation by a "first class" city get no special rights whatsoever under SB 52 -- *they merely get the same equal right* to protest that residents of the proposed annexation area already have (and that similar property owners outside all *other* cities in Montana *already* have).

SB 52 helps *Montanans* -- not a bill for "out-of-staters"

In proposed annexations outside "first class" cities, *the vast majority of affected property owners who currently have no right of protest are Montanans*, many of whom live in the city but not in the outlying area where their businesses are located. SB 52 *gives equal rights* to these Montanans and all affected property owners -- but gives *no* special extra rights to out-of-state landlords.

Among the supporters of SB 52

Lockwood Rural Fire District
Montana Association of Realtors
Montana Association of Counties
Montana Landlords Association
Belgrade Rural Fire District
MT Fire Districts Association
Reserve St. (Missoula) Annexation Committee
Committee for Equitable Annexation (Evergreen)

For more information, contact: Larry Akey, Tom Daubert or George Bonini, 443-4772
(lobbyists for Committee for Equitable Annexation)

Fairness is a state and federal issue. Jay Lage

NATION Feb. 15, 1997 Missoulian Saturday

Houston's land grab

A matter of money, or a race thing? Question gives city bad case of indigestion

HOUSTON (AP) – Every few years, Houston expands by swallowing up land outside the city limits.

Last year, it gulped down more than just a snack, annexing Kingwood, a mostly white upper-income subdivision of 53,000 that Houston Mayor Bob Lanier said would bring in up to $6 million a year in taxes from people who ought to be paying their fair share for the use of Houston's highways and utilities.

Kingwood, though, may end up giving Houston a case of municipal indigestion.

Afraid that annexation would cost them more and bring down the quality of fire and police protection and other services, the people of Kingwood demanded at first that the takeover be put to a vote of the community.

That argument stood little chance of success, given a 1963 Texas law that allows cities to annex nearby areas without the residents' consent.

So Kingwood turned around and sued the city, using among other things a weapon created a generation ago to protect blacks: the Voting Rights Act.

Kingwood argued that the annexation – the biggest in Texas history – was aimed at protecting white control of City Hall by putting more whites on the voter rolls in Houston and diluting minority voting strength.

The lawsuit, brought in October by Kingwood residents along with a Hispanic activist and a black Houston man, claims Houston "cooked the books to achieve the pretext of an economic justification for the annexation."

The annexation was approved by the City Council on Dec. 11. It is subject to final approval from the U.S. Justice Department.

Gentrification, The peoples ... issues.
The ability to decide these issues fairly is a State Issue.
Jay Sage

CREATION OF URBAN RENEWAL DISTRICTS

When certain portions of Montana cities suffer from inadequate infrastructure (that is, streets, sewers, sidewalks or parks, for example) and the condition of development is improper or substandard, municipal governments may create urban renewal districts to address the problems. Creating an urban renewal district is done following procedures outlined in state law. A study is conducted at the request of the City Council in order to identify the substandard conditions of both public and private improvements. If the study concludes the area is blighted, and the City Council makes a "finding of blight", they can direct that an urban renewal plan be prepared for the urban renewal district which will address the blighted conditions. The preparation of the study and the subsequent plan (if blight is found), is a substantial undertaking which will require the involvement and cooperation of the residents and property owners in the area.

The City Council may include a provision in the plan for urban renewal activities to be funded using tax increment financing (TIF). TIF is a financing mechanism which segregates all new tax revenue generated in the district derived from assessments on property levied by taxing jurisdictions (the city, the county, etc.). It is important to understand under this mechanism, there must be significant private investment in order for the tax base to generate enough tax increment to make public investments. Private investment which generates meaningful tax increment is usually new construction on bare ground, high density or of other high value.

It is difficult to generate tax increment in purely residential areas because most properties owned by residents do not undergo the kind of improvements that create tax increment. For this reason, it is important for residential areas to be included in an urban renewal district which is apt to have new commercial investment in the form of new stores, offices, restaurants, or multifamily dwellings. Other private investments may also add to the increment. Without the private investment, however, there is no mechanism for the public investment to occur other than through grants or normal city capital expenditures.

To determine if the Reserve Street Area is a good candidate for urban renewal, we will need to identify a specific area for study and quantify its condition. We will also need to evaluate its potential for redevelopment and new development to see if the area is likely to generate enough tax increment to make a meaningful contribution to solving the existing problems of the residents and property owners.

Thought must also be given to issues associated with change such as "gentrification" which is a trend sometimes attributed to urban renewal. When gentrification occurs, lower income residents are displaced by people who have the means to make substantial investments in improving property. Change within an urban renewal district is a fundamental assumption behind redevelopment. Careful thought must be given, however, to understand that change and how it will affect those who live there.

The urban renewal study subcommittee will have to identify an area which it feels would be a likely candidate for study. The subcommittee's next task will be to identify what information needs to be collected in order to make an assessment about whether the area is blighted. Following that, the subcommittee will have to develop a strategy and time line to recommend to the larger committee for getting the area properly studied. It is not known who will conduct this study, but it is possible that much of the work could be done by the residents themselves. The area cannot be included in an urban renewal district until after it is annexed into the city. After the analysis is done, a report will have to be written for the larger committee to determine if it makes sense to proceed with asking the City Council to make a finding of blight.

Urban Renewal Subcommittee
Reserve Street Area Study Committee

Gentrification, Tax Increases, loss of Fire Protection, and Gains or losses in Other Services are local Issues.

The peoples right to choose fairly between forms of local gov. is a state issue. Jay Sage.

5

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 5
DATE 3-25-97
BILL NO. HB 369

James G. Hollandsworth

Lolo MT

6

Bobbie S. Rossignol

PO Box 369
Lolo, MT 59847

Phone 406-273-2415
Fax 406-273-0287

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 6
DATE 3-25-97
BILL NO. HB 369

March 25, 1997

Senate Local Government Committee
Capitol Station
Helena, MT 59620

Dear Chairman and Members of the Committee,,

I urge you to support HB 469. This bill was introduced to protect citizens rights. The majority of cities in Montana do not forcibly annex areas into their municipalities. Instead they wait until the area residents start the process by asking the city to annex. In Missoula County several areas have been annexed , without vote, and have forced high costs onto the elderly homeowners. Missoula's mayor , Mike Kadas, states that county residents are currently using free services such as streets and police services. It is my understanding that county residents do in fact pay for this infrastructure through vehicle liscences, and local taxes. On the other hand I believe county residents are currently paying the city for unused services such as ,extra -territorial , city issued building permits. The monies collected by these city permits go directly to the city.
Thank you for your consideration. ~~Start typing your letter here~~.

Sincerely,

Bobbie S Rossignol

7

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 7
DATE 3-25-97
BILL NO. HB 369

March 25, 1997

Richard M. Rossignol
Box 369
Lolo, MT59847
(406) 273-2415

Senate Local Government
Capitol Station
Helena, MT.59620

Re. H.B. 369 Annexation

Dear Committee members:

The most cost-effective place to build housing is close to cities where the infrastructure of roads, water, sewer and utilities already exists. Though municipal areas have the advantage, poorly managed ones are not competing with rural areas. Urban sprawl is the direct result of poor management. The Missoula City government has to force people to join while, well-managed cities are having the opposite problem, too many people trying to get in. Citizens need the right to say no to poor management and forced participation. H.B.369 requires cities to conduct their business openly and economically by giving the citizens the right to vote. Please give this legislation a do pass recommendation.

Sincerely,
Richard M. Rossignol
Richard M. Rossignol

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 8
DATE 3-25-97
BILL NO. HB 369

David Gasvoda
2610 Spurgin Road
Missoula, MT 59804

March 21, 1997

Committee on HB369

Dear Sirs:

I strongly support HB369. The citizens of this country must have the right to vote on governmental actions which have major impacts upon their life styles and finances. Annexation into a city has very serious consequences because of the affects of all the city ordinances and polices. Many seriously restrict the freedoms and actions of its citizens. And, it is obvious that the additional property tax burden has a major financial impact. It is imperative that the people affected by an annexation have a vote.

The city should not have a right to impose rules and regulations upon the people who live within a highly arbitrary 4.5 miles of the city boundary. This is a clear and very flagrant infringement upon the rights of the affected citizens to have representation in the governing body because the people affected have absolutely no representation or vote in the city government.

Sincerely,

David S. Gasvoda

Exhibit #8- Form letters & petitions.
The full exhibit is available from:
MT Historical Society Archives
225 North Roberts
P. O. Box 201201
Helena, MT 59602-1201
Phone: (406)444-4775

LEGISLATIVE TAPE LOG

COMMITTEE: Senate Local Govt

DATE: 3-25-97

MINUTES	**CONTENT NOTES**
3:53-4:02	opening by Rep Charles Devaney, HD 97, Plentywood on HB 508. Proponents: Alec Hansen, Nathan Tubergen, Jim Magee, Closing + Questions
4:02-4:16	opening by Rep. Charles Devaney, HD 97, Plentywood on HB 240. Pros: George Metcalfe, Nathan Tubergen, Alec Hansen
4:16-4:29	Questions and Closing
4:29-4:38	opening by sponsor Rep. Cliff Trexler, HD 59, Corvallis on HB 408. Proponents: Anne Hedges, John Shontz, Questions + Closing
4:38-4:48	Opening by sponsor Rep. Matt Brainard HD 62 Missoula, Proponents: Rep Carolyn Squires, Mike Kadas
4:48-5:00	proponents continued: Alec Hansen, Russ Ritter, Frank Crowley, Jay Sage, Harry Holland, Joanna Glantz, Marla Sponich
5:00-5:09	Proponents: Jim Hollandsworth, Arlene Harris, Bobbie Rossignol, Wilma Sage, Kathy Schindler, Svea Sageer
5:09-5:19	proponents: Joe Casioda, Sue Matheuson, Dick Rossignol, James Glantz, Rosemary Aitkens. Opponent Peter Nielsen
5:19-5:30	Questions and Closing

MONTANA SENATE
1997 LEGISLATURE
LOCAL GOVERNMENT COMMITTEE

ROLL CALL DATE 3-25-97

NAME	PRESENT	ABSENT	EXCUSED
DOROTHY ECK	X		
SHARON ESTRADA	X		
BILL GLASER	X		
DON HARGROVE	X		
J. D. LYNCH	X		
WALT MC NUTT	X		
FRED VAN VALKENBURG	X		
MIKE SPRAGUE, VICE CHAIRMAN	X		
TOM BECK, CHAIRMAN	X		

SEN:1997
wp.rollcall.man
CS-09

DATE 3-25-97

SENATE COMMITTEE ON Local Govt

BILLS BEING HEARD TODAY: HB 369

< ■ > PLEASE PRINT < ■ >

Name	Representing	Bill No.	Check One: Support	Oppose
JAMES L. GLANTZ	EAST WEST RESERVE STREET HOME OWNERS	369	X	
JOANNA J. GLANTZ	" " " "	369	X	
Verna Lange	"	369	X	
Susan Mathewson	Orchard Homes/Self	369	X	
Larry Hafferland	Prec Target Range Homeowner	369	X	
Joseph W Gasvoda	Self	369	X	
Wilma Sage	Self	369	X	
SVEA A. SAGE	SELF	369	X	
MALCOLM SMITH	SELF	369	X	
Bobbie Rossignol	self	369	X	
K. Overcast	SELF	369	✓	
Richard McRaven	Self	369	✓	
Jim Hollenbeck	self	369	X	
Melyssa Bolick	Self	369	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

REGISTER.F10

DATE 3-25-97

SENATE COMMITTEE ON Local Govt

BILLS BEING HEARD TODAY: HB 369

< ■ > PLEASE PRINT < ■ >

Name	Representing	Bill No.	Check One: Support	Oppose
ARLENE HARRIS	East-West Reserve St Homeowners	369	X	
ROSEMARIE HITKENS	EAST WEST RESERVE ST - HOMEOWNERS	369	X	
Cathy Schindler	E/W Reserve St Home-Owners	369	X	
Gay Sage	Self	369	X	
Peter Nelsen	Missoula County Health Dept	369		X
[illegible]	D.L.L. #68 Rep	369	X	
Alec Hansen	CITIES + TOWNS	369	AMEND X	
Russ Ritter	MRL	369	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

REGISTER.F10

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN TOM BECK**, on March 27, 1997, at 3:08 p.m., in Room 405.

ROLL CALL

Members Present:

Sen. Thomas A. "Tom" Beck, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Dorothy Eck (D)
Sen. Sharon Estrada (R)
Sen. Wm. E. "Bill" Glaser (R)
Sen. Don Hargrove (R)
Sen. John "J.D." Lynch (D)
Sen. Walter L. McNutt (R)
Sen. Fred R. Van Valkenburg (D)

Members Excused: None

Members Absent: None

Staff Present: Martha Colhoun, Legislative Services Division
Jodi Jones, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 461, HB 518, HB 531, HB 556
Posted: 3/13/97

Executive Action: HB 461 Be Concurred In
HB 518 BCI as Amended
HB 531 BCI as Amended
HB 248 BCI as Amended
HB 240 BCI as Amended
HB 508 BCI as Amended
HB 408 Be Concurred In
HB 369 BCI as amended
HB 556 Be Concurred In

and ask for an increase in property taxes. This is a better option than having increased fees.

Questions From Committee Members and Responses:

SENATOR DOROTHY ECK asked if a district is formed what are the assessment fees? **REP. WYATT** said they are the same as any current maintenance district and it depends on the cost of the improvements of the park. This can be protested and it won't come from the city, but from the people in that community.

SENATOR ECK asked if these are done on an annual basis? **Tim Magee** said they would set up a budget based on community input and what they wanted for the park. The total cost is divided out by the assessment method and that becomes the assessment. This has to be done every year and the neighborhood decides if they want this assessment district.

CHAIRMAN TOM BECK asked if this is set up by resolution only? **REP. WYATT** said this is set up by resolution or ordinance.

CHAIRMAN BECK asked if there had to be at least 50 percent of the owners within the area to stop a district from being formed. **REP. WYATT** said that was correct.

Closing by Sponsor:

REP. WYATT said it is interesting that the realtors came in and opposed this bill because when looking for property she looks for schools, parks, etc. In Great Falls, the city property taxes last year on a $100,000 home were $342.00. The 6 percent real estate on that same house is $6000. The assessments for maintaining boulevards in Great Falls average about $45.00 per year. Cities and towns have used special districts for many years to appropriate the cost of fire hydrants, street lights and maintenance. This insures that property owners pay a fair price for the services they receive.

EXECUTIVE ACTION ON HB 408

Motion/Vote:

SENATOR ECK MOVED HB 408 BE CONCURRED IN. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 369

Motion/Vote:

SENATOR FRED VAN VALKENBURG MOVED TO ADOPT THE AMENDMENTS TO HB 369 (EXHIBIT 1). MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

SENATOR VAN VALKENBURG MOVED HB 369 BE CONCURRED IN AS AMENDED. MOTION CARRIED UNANIMOUSLY.

{Tape: 1; Side: A; Approx. Time Count: 3:28 p.m.; Comments: .}

HEARING ON HB 518

Sponsor: **REP. DAVID EWER, HD 53, Helena**

Proponents:

Bob Gilbert, MT Volunteer Fire Assoc.

Opponents: None

Opening Statement by Sponsor:

REP. DAVID EWER, HD 53, Helena presented HB 518. This bill is a clean up bill in several areas of Title 7. This bill allows cities to borrow under a contract without the vote of the people. He said they now have counties being able to borrow up to $.5 Million per project without a vote. He said both fire districts and rural fire service areas can borrow against their budget without any particular limit as long as they stay within their budget. Counties have to stay within their budget and they cannot exceed I 105 and they can't put this debt onto the taxpayers. He said if it is voted on by the people then that debt can be put on the taxpayers outside I-105.

This bill is also a clean-up on amortized bonds. He said the statutes give preference to these types of bonds but nobody ever uses them and this part is being stripped out of the statutes. He said two years ago the legislature authorized the creation of a reserve fund. The proceeds of that fund goes to the revolving fund and if that fund is over-funded, governments can take that money. This bill will allow the final payments from the reserve account to be able to pay off those bonds. He said people like to buy municipal bonds at a discount rate. However, when this law was passed last session the refunding bonds were left out and this bill is just clarifying that.

Another area this bill covers is if a person were an appointed official, that person has to live in the city. There needs to be some flexibility here and if someone wants to live out of the city limits they should be allowed to do that by a decision of the local government. The next thing this bill does is for Butte, which has the largest superfund site in America and they want the ability to form multi-jurisdictional agreements between Anaconda and Deer Lodge so they can help reclaim this. He said another thing this bill covers is reinserting the formation of a water and sewer district and the ability to use a mail ballot.